

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

<p>DENISE CASSESE f/k/a DENISE CALIGIURI, GEORGE SCOTT RUSH, RICHARD SCHROER and WILLIAM BLOOM, individually and on behalf of all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>WASHINGTON MUTUAL, INC.;</p> <p>THE FEDERAL DEPOSIT INSURANCE CORPORATION, in its capacity as receiver for WASHINGTON MUTUAL BANK, such entity having incorporated former defendants WASHINGTON MUTUAL BANK, FA and WASHINGTON MUTUAL HOME LOANS, INC.; and</p> <p>WASHINGTON MUTUAL BANK, FSB,</p> <p>Defendants.</p>	<p>Civil Action No. 05-02724</p> <p>Arthur D. Spatt, USDJ Arlene R. Lindsay, USMJ</p>
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NOTICE OF MOTION

PLEASE TAKE NOTICE that pursuant to the accompanying Declaration of Joseph S. Tusa and the accompanying *Plaintiff Consents to Appearance and Substitution of Counsel*, each submitted herewith, Joseph S. Tusa, Esq. and Tusa P.C. will move this Court, before the Honorable Arthur D. Spatt, United States District Judge, for an order consenting to the appearance of Tusa P.C. in this action and the substitution of Tusa P.C. for Whalen & Tusa, P.C. as class counsel in this action, along with class counsel Lowey Dannenberg Cohen & Hart, P.C.

PLEASE TAKE FURTHER NOTICE that all Plaintiffs and Court-certified class representatives consent to the relief sought by this motion;

PLEASE TAKE FURTHER NOTICE that co-Class Counsel, Lowey Dannenberg Cohen

& Hart, P.C. consents to the relief sought by this motion.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), opposing memoranda shall be served within fourteen (14) days after service of the moving papers and any reply memoranda shall be served within seven (7) days after service of any opposing memoranda.

Dated: January 4, 2011
New York, New York

Respectfully submitted,

TUSA P.C.

/s/ Joseph S. Tusa

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*The shareholders of Whalen & Tusa, P.C. voted to dissolve the firm on December 22, 2010.